

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

TERRY CRANDALL MINCEY,	)	No. CV-F-04-6373 REC
	)	(No. CR-F-97-5266 OWW)
	)	
Petitioner,	)	ORDER GRANTING RESPONDENT'S
	)	EX PARTE MOTION TO UNSEAL
vs.	)	ORDER IN NO. CR-F-97-5266
	)	FOR THE SOLE PURPOSE OF
	)	PROVIDING COPY TO RESPONDENT
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
_____	)	

The ex parte motion of the United States to unseal the "ORDER UNDER SEAL DENYING DEFENDANT MINCEY'S SECOND MOTION FOR SUBSTITUTION OF COUNSEL" filed in No. CR-F-97-5266 on November 29, 2000 as document no. 441 is granted subject to the following conditions.

The Clerk of the Court is authorized to unseal the Order for the sole and limited purpose of providing a copy to the United States. In all other respects, the Order is to remain sealed.

The United States may refer to the Order for the sole purpose of responding to petitioner's application for a

1 certificate of appealability presenting pending before the Ninth  
2 Circuit Court of Appeal and, if the certificate of appealability  
3 is granted by the Ninth Circuit, for the purpose of responding to  
4 the merits of petitioner's appeal of the denial of his motion to  
5 vacate, set aside or correct sentence pursuant to 28 U.S.C. §  
6 2255. The United States is precluded from using the Order or any  
7 representations made therein for any other purpose or from  
8 disclosing the contents of the Order to any other persons or  
9 offices. See Bittaker v. Woodford, 331 F.3d 715 (9th Cir.),  
10 cert. denied, 540 U.S. 1013 (2003).

11 IT IS SO ORDERED.

12 **Dated: June 23, 2006**  
668554

**/s/ Robert E. Coyle**  
UNITED STATES DISTRICT JUDGE